IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 3950 of 2002

Between:

1. Gurram Satyanarayana Murthy, s/o Rama Krishna Rao, Agriculture, R/o Bendamurulanka village, Allavaram Mandal, East Godavari Dist.

2. Gurram Pushpavathi, W/o Satyanarayana Murthy, Agriculture, R/o Bendamurulanka village, Allavaram Mandal, East Godavari Dist.

3. Bala venkata Krishna Murthy, S/o Sri Rambabu, Agriculture, R/o Bendamurulanka village, Allavaram Mandal, East Godavari Dist.

4. Baram Venkata Krishna Murthy, S/o Sri Rambabu, Agriculture, R/o Bendamurulanka village, Allavaram Mandal, East Godavari Dist.

..... PETITIONERS

AND

1. The Collector, East Godavari Dist.

2. The Mandal Revenue Officer, Allavaram Mandal, East Godavari Dist.

3. The Secretary, Bendamurilanka Gram Panchayat, Allavaram Mandal, East Godavari Dist.

4. Yalla Subba Rao, S/o Surayya, Agriculture, R/o Bendamurulanka village, Allavaram Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ particularly one in the nature of a writ

of mandamus declaring that the respondents have no jurisdiction, authority or power to interfere with schedule premises of Acs.2.18 cents in Survey No.758 of Bendamurilanka village, Allavaram Mandal of East Godavari District.

Counsel for the Petitioners: MR.KOKA RAGHAVA RAO

Counsel for the Respondent Nos.1to3: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners are residents of Bendamurulanka village in East Godavari District. They claim that they own lands in Survey No.758, in which a fresh water pond is situated. The petitioners allege that the pond is being used for watering the coconut garden. However, the respondents, it is alleged, are interfering with the rights of the petitioners to use fresh water pond, purporting to exercise powers under provisions of Environment (Protection) Act, 1986 at the behest of the fourth respondent. Therefore, they filed the writ petition seeking a declaration that the respondents have no authority to interfere with the rights of the petitioners in respect of the land admeasuring Acs.2.18 in Survey No.758 of Bendamurulanka village.

This Court while admitting the writ petition on 05.07.2002 passed interim orders in W.P.M.P.No.4879 of 2002 directing the respondents 2 and 3 not to interfere with the functioning of the water pump and the use of fresh water tank by the petitioners. The respondents 1 and 2 have now come forward with an application being W.V.M.P.No.2592 of 2004 for vacating the interim orders. Having regard to the subsequent events, which have been brought on record by way of reply affidavit filed on behalf of the petitioners, the writ petition is being disposed of at the interlocutory stage.

It appears the petitioners herein made an application to Aquaculture Authority for permission to adopt improved technology for increased production and also for using the lands admeasuring Acs.1.09 in Survey Nos.758/2, 758/3, 758/3, 758/4, 758/6 and 758/7 to undertake Shrimp culture operations. The Aquaculture Authority, Ministry of Agriculture, Government of India, by order made in Form II dated 15.09.2003 permitted the first petitioner to adopt improved technology and by another letter dated 07.11.2003 informed the petitioner that permission to undertake Shrimp culture has been accorded and the copy was sent to Secretary, In-charge of Fisheries, Government of Andhra Pradesh vide letter dated 20.10.2003. These two documents are annexed to the reply affidavit. A perusal of these two documents would show that the activity undertaken by the petitioners for Shrimp culture is no more unauthorized. Indeed as held by the Division Bench of this Court, to which I was a member, in **Madireddy Padma Rambabu v District Forest Officer, Kakinada**, the owner of agricultural land cannot be permitted to use agricultural land for any other purpose including aquaculture. However, such owner is entitled to convert the land into aquaculture lands subject to obtaining permission from aquaculture authority. The legal position is not denied by the learned Assistant

Government Pleader for Revenue.

Sri P.Radhakrishna, learned counsel for fourth respondent, however, opposed the writ petition raising various objections. However, unless and until the orders passed by the aquaculture authorities are specifically challenged in the writ petition filed by the beneficiary of such permission, the questions cannot be gone into. It shall be open to the fourth respondent to challenge the orders of the aquaculture authority.

The writ petition, with the above observations, is accordingly disposed of.

_____

(V.V.S.RAO,J)

13.09.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Collector, East Godavari Dist.
2. The Mandal Revenue Officer, Allavaram Mandal, East Godavari Dist.
3. 2 CCs to the G.P.for Revenue, High Court Buildings, Hyderabad (OUT).
4. 2 CD copies.

Form-NIC-OGS/WP{ }